

REMARKS

Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1-16 and 17-21 are pending in the present application. Claims 1, 8, 18, 19, 20, and 21 are the independent claims.

Claim 17 has been cancelled without prejudice to or disclaimer of the subject matter recited therein. Claims 18-21 have been amended. No new matter has been added.

Initially, Applicant acknowledges with appreciation the indication that claims 4-7, 11-16, 18, and 19 recite patentable subject matter and would be allowable if rewritten in independent form to include all of the features of their respective base claims and any intervening claims. Applicants have respectfully maintained claims 4-7 and 11-16 in allowable form because it is believed, for at least the reasons set forth below, that their respective base claims patentably define over the citations of record. However, by the present Amendment, Applicant has rewritten claims 18 and 19 in independent form to include all of the features of independent claim 17. Also, independent claim 20 has been amended to recite features based on allowable claims 18 and 19. Thus, Applicant respectfully submits that claims 18-20 are now in allowable form.

Claim 21 stands rejected under the second paragraph 35 U.S.C. § 112 as indefinite. In response, Applicant has amended claim 21 in view of the Examiner's comments and in a manner believed to traverse this rejection.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 21 under § 112 are respectfully requested.

Claims 1-3, 8-10, 17, 20, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,325,352 (Matsumoto). All rejections are respectfully traversed.

Independent claim 1 recites, inter alia, building information on the optical recording medium using the record data to be recorded ... among the record data stored in a buffer and signal-processing the record data stored in the buffer and sequentially recording the signal-processed data.

Independent claim 8 recites, inter alia, a control section which builds information on the optical recording medium using the record data to be recorded ... among the record data stored in a storing section and controls the record data stored in the storing section to be sequentially

recorded on the lead-in region, a program region, and a lead-out region of the optical recording medium.

Independent claim 21 recites, inter alia, building table of contents information for received data and recording the received data ... after the building.

By the aforementioned features, information on data to be recorded can be built before the data to be recorded is recorded.

However, Applicant respectfully submits that Matsumoto does not disclose at least the aforementioned features.

Matsumoto relates to recording of mastering information for disc mastering and discusses building table of contents (TOC) information of program information recorded on a recording medium. However, Matsumoto expressly teaches that the TOC is built during or upon completion writing of the program information. (Matsumoto, Col. 5, lines 40-45; Col. 6, lines 26-35). Thus, Matsumoto cannot meet the aforementioned features of independent claims 1, 8, and 21.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1, 8, and 21 under § 103 are respectfully requested.

Additionally, Applicant respectfully submits that the Office has not made out a prima facie case of obviousness against claims 1 and 8. The Manual of Patent Examining Procedure (MPEP) instructs that a rejection under 35 U.S.C. § 103 requires that each and every feature of claim must be taught or suggested by the applied art. (See MPEP § 2142). However, the Office Action does not appear to address the aforementioned features of independent claims 1 and 8. For example, at page 3 of the Office Action, regarding claim 1, it is merely asserted that Matsumoto discloses "building information on the optical recording medium in a lead-in region (generated TOC)." (Office Action, page 3). Thus, for this additional reason, the rejection of claims 1 and 8 is traversed.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1 and 8 under § 103 are respectfully requested.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 11-10-06

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